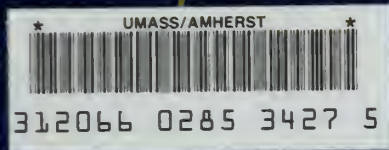


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The General Court of Massachusetts



MASSACHUSETTS COMMISSION
FOR THE BLIND

BLIND VENDING FACILITIES PROGRAM

90-



Committee on Post Audit and Oversight

Post Audit and Oversight Bureau

MASSACHUSETTS COMMISSION
FOR THE BLIND

BLIND VENDING FACILITIES PROGRAM

90-

October, 1991

TABLE OF CONTENTS

SUMMARY

FOREWORD

I INTRODUCTION

II BLIND VENDING FACILITY PROGRAM

A. NUMBER AND LOCATION OF FACILITIES

B. PROGRAM FINANCIAL DATA

a) Vendor Financial Information

b) Confidentiality of Financial Records

III QUALIFICATION PROCESS - BLIND VENDING FACILITIES PROGRAM

a) Qualified Applicants

b) Selection Criteria

IV SELECTION PROCESS TO OPERATE A BLIND VENDING FACILITY

APPENDICES



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SUMMARY

Our limited review of the Blind Vending Facilities Program, which is administered by the Massachusetts Commission for the Blind, indicated that the Commission's procedure for selecting candidates to participate in the program is a fair and effective process.

The Commission maintains and utilizes specific qualification requirements in selecting applicants to become licensed for the Blind Vending Program. The Commission also established and employs standard promotional criteria in promoting blind licensees to manage a new vending facility or to fill a managers vacancy that becomes available in an existing facility. This process also receives input from the State Committee of Blind Vendors, an organization that is made up of seven licensed blind vendors elected by blind vendors throughout the state.

During our meetings with officials of the Commission, the problems of obtaining satisfactory locations for vending facilities in state owned buildings were discussed in detail. By law, blind vending facilities operators

cannot be charged rent. The majority of buildings utilized by state agencies are leased from private owners who are not inclined to provide rent free space for a vending facility. Moreover, buildings under the jurisdiction of State Higher Education are excluded from the provisions of Section 133 of Chapter 6, MGLA which give preference to licensed blind vendors in establishing vending operations in state owned buildings. There are twenty - seven state institutions of higher education and excluding the buildings on those campuses as potential blind vending locations severely restricts future placement of vending facilities on state owned property.

In order to establish additional vending facilities in state owned buildings, we recommend that:

- * the Board of Regents of Higher Education and members of the Commission for the Blind should discuss the possibility of locating non cafeteria type vending facilities at campuses where the operation of such a facility would not substantially reduce revenues generated by the institution's cafeteria operation
- * the Division of Capital Planning and Operations should initiate a policy of routinely notifying the Commission whenever a state agency plans to relocate. This would enable the Commission to inspect the new location prior to occupancy and evaluate the site for a possible vending operation
- * the Office of Travel and Tourism and the Commission should examine the feasibility of locating vending facilities at rest stops on Interstate highways. This program has been successfully implemented in the state of Connecticut

FOREWORD

The Program Review of the Blind Vending Facilities Program, administered by the Massachusetts Commission for the Blind, was requested by Rep. Thomas P. Kennedy, Chairman of the House Post Audit and Oversight Committee.

The review of the program was conducted to examine the process of awarding vending facilities to blind persons by the Commission, identify the number and locations of existing facilities and to examine vendor financial data relating to sales, operating expenses and net profits.

This report presents the findings of our program review and also recommendations to expand the program by increasing the number of potential locations for blind vending facilities in state owned properties.

Richard F. Tobin, Jr.
Director

I INTRODUCTION

The Massachusetts Commission for the Blind (Commission) is authorized by Chapter 6, Section 129, MGLA. The Commission offers a wide range of services and benefits at no charge, to the blind and visually handicapped persons. The Commission estimates that there are approximately 30,000 blind and visually handicapped persons in the state.

A person is legally blind when it has been determined by a physician or optometrist to have not more than 20/200 vision (with glasses) or loss of peripheral vision to a radius of 10 degrees or less regardless of visual acuity.

The Commission maintains a Register of all blind residents in the Commonwealth. Registration is based upon the results of an eye examination by an eye doctor who certifies that the person is legally blind.

Following registration, a member of the Commission contacts the blind person to explain the various types of services and benefits that may be available to him or her. Benefits that the blind person may be eligible for are :

- * income tax exemptions/deductions
- * real estate tax exemption
- * automobile excise tax exemption
- * voting assistance

Legally blind people who are income eligible may also qualify for Supplemental Security Income and Medicaid benefits regardless of age.

Services provided by the Commission include :

- job counseling, training and placement
- social services including counseling, referral to other state agencies and assistance in obtaining legal benefits
- skills training in braille, cooking and budgeting to enable independent living

The Commission also administers the Blind Vending Facilities Program. The "Randolph Sheppard Act" (Public Law 74-732), as amended, established the program in 1936 for "for the purposes of providing blind persons with remunerative employment, enlarging economic opportunities of the blind, and stimulating the blind to greater efforts in striving to make themselves self-supporting...."

Prior to the Randolph Sheppard legislation, blind persons had difficulty obtaining employment because employers feared that blind workers would cause inferior quality of work. Job related accidents among blind workers was also a major concern of employers. The Randolph Sheppard Act was intended to create additional employment opportunities for the blind by authorizing blind persons

to operate vending facilities in federal buildings.

Chapter 535 of the Acts of 1966 abolished the Division of the Blind within the Department of Education and established the Commission for the Blind. Section 133 of Chapter 535 provided that the "officer, board or other authority in charge of any building or property of the Commonwealth, or any county, city or town thereof, shall grant to a blind person ... authority to operate in such building or on such property a stand for the vending of newspapers, periodicals, confections, tobacco products and such other articles as such officer board or other authority approves, wherever a vending stand may be properly and satisfactorily operated by a blind person".

The Massachusetts Commission for the Blind is the state agency designated by the Federal Rehabilitation Services Administration to issue licenses to blind persons for the operation of vending facilities on federal and other property in the Commonwealth.

Federal Regulations require the Commission to establish a State Committee of Blind Vendors (Committee). The Committee actively participates in major policy and program

development decisions in the administration of the Vending Facility Program and plays a major role working with the Commission in the promotion of blind vendors.

The Committee is composed of seven members who represent, to the extent possible, all vendors on the basis of such factors as geography and type of vending facility. The term of membership is two years and a vendor may be reelected and serve for an unlimited number of consecutive terms. During a nomination period, all vendors receive nomination forms and indicate their willingness to serve on the Committee. The forms are returned to the Commission which conducts an election. Each member may vote for any seven nominees. The seven nominees with the most votes comprises the Committee.

The Commission's Vending Program Budget for Fiscal Year 1991 was as follows:

Federal Funds.....	\$ 46,759.75
State Funds.....	<u>\$ 8,000.00</u>
Total Program Funding.....	<u>\$ 54,759.75</u>

Approximately 85% of the total program funding is through a federal grant which is administered by the Commission. The state's share of the program budget is allocated from the Commission's annual maintenance appropriation. The \$8,000 budgeted for Fiscal year 1991 was expended for facility renovations, start-up supplies for new facilities and equipment maintenance or purchase.

II BLIND VENDING FACILITY PROGRAM

A. NUMBER AND LOCATION OF FACILITIES

As of August 15, 1991, seventy-four legally blind persons held licenses to operate a vending facility in Massachusetts. Fifty licensees currently operate or manage a facility. Nine licensees work for other blind facility managers and thirteen are unemployed.

Only seven of the operating facilities are located in state owned buildings. The other forty-three are in federal, city, county and private locations as detailed in Appendix 1. The majority of the vending facilities, twenty-eight, are located on federal property.

While it may appear that there is a disproportionate number of facilities located in federal buildings over those in state buildings, this is not the case. The disparity is a result of several factors that directly influence the availability of potential sites for vending facilities. First, the vast majority of federal agencies, or components thereof, are located in buildings owned by the federal government. Conversely, most state agency regional offices are leased facilities.

Section 133D of Chapter 6, MGLA mandates that "no rental or other charge shall be demanded, assessed, exacted, required or received ... to operate a vending facility pursuant to the provisions of this chapter". Owners of office buildings that are in the business of leasing space for a profit are certainly not inclined to reduce revenues by making space available to a tenant at no charge.

There are other obstructions to locating vending facilities in state owned buildings. The majority of correctional and mental health facilities do not lend themselves to this type of operation and buildings under the jurisdiction of state colleges, state universities and other institutions of higher learning are excluded, by statute, from giving preference to blind persons in the establishment and operation of vending facilities on their property.

Chapter 535 of the Acts of 1966 abolished the Division of the Blind within the Department of Education and established, in its place, the Commission for the Blind. Section 133 of this Act provided that the officer, board or authority of any building or property of the Commonwealth grant authority to blind persons to operate a vending stand

in that building or property wherever a vending stand may satisfactorily operated by a blind person. The legislation had no exclusion for buildings under the jurisdiction of the Department of Education. However, Chapter 568 of the Acts of 1982 amended Chapter 6 of the General Laws by striking out Section 133 as appearing in Chapter 535 of the Acts of 1960 and redefined "public buildings or property" as:

any building, land, or other real property owned by any department or agency of the commonwealth or any counties thereof, with the exception of any building, land, or other real property under the jurisdiction of any state college, state university or any state institution of higher learning

The exclusion of buildings under the jurisdiction of Higher Education further reduces the number of potential locations for blind vending facilities since there are twenty-seven institutions of higher education in the state.

B. PROGRAM FINANCIAL DATA

a) Vendor Financial Information

The operating blind vending facilities reported total gross sales of \$5,292,828 during Fiscal Year 1990. Total net profits for the same period were reported to be \$1,304,663.

Commission Regulations require vendors to file weekly income reports as shown in Appendix 2. The reports include gross sales, cost of goods sold, operating expenses and operating profits. Since cash receipts tapes are not utilized at the vending facilities, the Commission is unable to verify the accuracy of the financial reports. The range of annual net profits from the operation of vending facilities varies greatly. During the period from October, 1989 through November, 1990, net income ranged from a low of approximately \$4,000 to a high of \$84,000.

b) Confidentiality of Financial Records

The Commission considers the Financial records of individual vending facilities as confidential. Commission Regulation 111 CMR 3.06 (s) specifies that:

1. The Commission shall hold reports received from a vendor in confidence. Records will only be used for such purposes as are authorized by the Act.
2. Records will only be disclosed to third parties when:
 - a. A subpoena has been received by the Commission which it must honor.
 - b. A vendor furnishes the Commission with a release instructing the Commission to release the information.
 - c. When a vending facility is advertised for bids.
 - d. If a licensee or a vendor requests an administrative review, fair hearing, or arbitration panel, the Commission may divulge such information as is necessary during the course of the hearing.

IV QUALIFICATION PROCESS - BLIND VENDING FACILITIES PROGRAM

a) Qualified Applicants

A qualified applicant is an individual who is determined by the Commission to be:

1. Blind
2. A citizen of the United States
3. An active client in the Commission's Vocational Rehabilitation Program
4. At least 16 years of age
5. Able to meet the performance requirements of a licensee through satisfactory completion of the training program

b) Selection Criteria

The Commission maintains established criteria for referring qualified applicants to the vending facilities training program as shown in Appendix 3. An applicant is interviewed and evaluated by a Commission Rehabilitation Counselor. If the applicant is judged to possess the capabilities to succeed as a blind vendor, the Counselor recommends that the applicant be accepted into the vendor training program. The program consists of a twelve week training course of classroom sessions and on-the-job training at an operational vending facility. Upon completion of the program, the applicant is given a comprehensive test

in which he or she must achieve a score of eighty-five (85) in order to qualify as a blind licensee. A license is issued for an indefinite period, but is subject to termination for cause. Immediately following the issuance of the license, the licensee begins to accrue seniority in the program.

VI SELECTION PROCESS TO OPERATE A BLIND VENDING FACILITY

The selection process for transfers and promotions in the program is governed by Commission Regulation 111 CMR 3.07. This Regulation reflects the provisions of Federal Regulation 34, Part 395.

When the Commission becomes aware of an available vacancy at a vending facility, either through the acquisition of a new facility or the resignation or transfer of a vendor, it will request applications (bids) through an advertisement in "Dollars and Sense), the Vending Facility Program newsletter which is mailed to all licensees. Any licensee may submit a bid for the vacancy.

Seniority and requisite ability are the standards for selecting a licensee to operate a facility.

- (a) Seniority - All bids from licensees are divided into five (5) categories:
1. Bids from vendors
 2. Bids from former vendors whose licenses have not been revoked
 3. Bids from licensees who are currently employed as employees of vendors and working at vending facilities in the program
 4. Bids from licensees who have worked for vendors in the program within three years of the advertisement
 5. Bids from licensees not working in the program

5) Requisite Ability

1. Licensee - a blind licensee's requisite ability is determined by the score of the comprehensive test in which a grade of 85 must be obtained
2. Vendor - a blind vendor must maintain an average score of 65 points on regular vending facility evaluations in order to retain the right to operate the facility and must have an average score of 75 points on evaluations for the 12 months immediately preceding the advertisement for bids in order to be selected for a vending facility in the promotional process

Once all bids have been received for a facility vacancy, a selection board is formed. The board consists of three members designated by the State Committee of Blind Vendors and two members of the Commission's staff. The selection board sorts the bids into the five previously mentioned seniority categories. The board examines the bids which fall within the first seniority category for requisite ability. If a vendor in that category lacks requisite ability, that vendor's bid is disqualified. The senior vendor with requisite ability is then selected to fill the vacancy.

If no member of the first seniority category is selected, the board reviews the bids of the second seniority category. If no selection is made from the second category,

the board continues it's review of the remaining three categories until a qualified candidate is found. The successful bidder is notified in writing of his or her selection and the notice of selection is also published in "Dollars and Sense".

APPENDICES

1. LOCATION OF VENDING FACILITIES
2. VENDING FACILITIES PROGRAM - WEEKLY REPORT
3. CRITERIA FOR REFERRAL TO VENDING FACILITY PROGRAM

LOCATION OF VENDING FACILITIES

FEDERAL LOCATIONSA. U.S. POSTAL SERVICES LOCATIONS

1. HAVERHILL POST OFFICE
2. U.S. POST OFFICE, BACK BAY, BOSTON
3. CAMBRIDGE POST OFFICE
4. SOUTH POSTAL ANNEX, BOSTON

B. G.S.A. LOCATIONS

1. WALTHAM FEDERAL CENTER
2. JOHN F. KENNEDY BUILDING, LOW-RISE
3. JOHN F. KENNEDY BUILDING, ROOM E 102
4. JOHN F. KENNEDY BUILDING, 6TH FLOOR
5. JOHN F. KENNEDY BUILDING, 12TH FLOOR
6. JOHN F. KENNEDY BUILDING, 18TH FLOOR
7. U.S. FISH AND WILDLIFE
8. U.S. APPRAISERS STORES, BOSTON
9. I.R.S., ANDOVER
10. I.R.S., METHUEN
11. V.A. OUT-PATIENT CLINIC, BOSTON
12. U.S. POST OFFICE AND COURTHOUSE, BOSTON
13. WORCESTER POST OFFICE AND COURTHOUSE
14. G.S.A., ONE CONGRESS ST., BOSTON

C. DEPARTMENT OF DEFENSE LOCATIONS

1. HANSCOM AIR FORCE BASE, BUILDING 1106
2. HANSCOM AIR FORCE BASE, BUILDING 1600
3. HANSCOM AIR FORCE BASE, BUILDING 1618
4. HANSCOM AIR FORCE BASE, SMEF II BUILDING
5. BARNES BUILDING, BOSTON
6. WATERTOWN ARSENAL

FEDERAL LOCATIONS

D. OTHER FEDERAL LOCATIONS

1. U.S. TRANSPORTATION SYSTEMS OFFICE, CAMBRIDGE
2. U.S. IMMIGRATION BUREAU (DEPT. OF JUSTICE)

STATE LOCATIONS

1. CHELSEA SOLDIERS HOME, ADAMS CANTEEN
2. CHELSEA SOLDIERS HOME, QUIGLEY CANTEEN
3. DEPARTMENT OF EMPLOYMENT SECURITY, BOSTON
4. SALTONSTALL BUILDING, BOSTON
5. STATE HOUSE, BOSTON
6. ONE ASHBURTON PLACE, BOSTON

CITY AND COUNTY LOCATIONS

1. BOSTON CITY HALL
2. FALL RIVER CITY HALL
3. GREENFIELD MUNICIPAL PARKING LOT
4. LAWRENCE CITY HALL
5. LOWELL CITY HALL
6. MIDDLESEX COUNTY COURTHOUSE, CAMBRIDGE
7. MIDDLESEX COUNTY PROBATE COURT, CAMBRIDGE
8. QUINCY DISTRICT COURTHOUSE
9. SPRINGFIELD CITY HALL
10. SUFFOLK COUNTY COURTHOUSE, BOSTON
11. WORCESTER CITY HALL

M.B.T.A. BUILDING

1. M.B.T.A., 500 FOREST HILLS, BOSTON

PRIVATE LOCATIONS

1. FEDERAL RESERVE BANK, BOSTON
2. SHAWMUT NATIONAL BANK, NEW BEDFORD
3. SOUTH EASTERN TRANSIT AUTHORITY, NEW BEDFORD

VENDING FACILITIES PROGRAM
WEEKLY REPORT

STAND NUMBER _____ DATE _____

MERCHANDISE PURCHASES\$ _____

OVERHEAD EXPENSES\$ _____

WAGES\$ _____

SALES\$ _____

NET INCOME\$ _____

MEALS TAX\$ _____ Sales tax \$ _____

LOTTERY INCOMES\$ _____

MACHINE INCOMES\$ _____

SIGNATURE _____

MINIMUM QUALIFICATION REQUIREMENTS FOR THE VENDOR REGISTRATION PROGRAM

1. ELIGIBILITY REQUIREMENTS

- A. CLIENT MUST BE LEGALLY ELIGIBLE AND A CITIZEN OF THE UNITED STATES.
- B. CLIENT MUST TAKE TRAINING AT 18 YEARS OLD, BUT MUST BE 18 YEARS OLD BEFORE HE OR SHE CAN BECOME A LICENSED VENDOR.

2. CRIMINAL REHABILITATION REQUIREMENTS

- A. CLIENT MUST BE AN OPEN CASE IN STATUS 10 OR ABOVE.
- B. REFERRAL MUST BE MADE BY A VOCATIONAL REHABILITATION COUNSELOR.

3. PERSONAL ATTRIBUTES AND CHARACTERISTICS

- A. Flexibility The client should be able to meet people easily and enjoy dealing with the public.
- B. Motivation and willingness to work Client should be willing to work long hours and be capable of standing on his feet for long periods of time. He must be willing to arrive at his place of business on time every day in all kinds of weather, and be able to start work early in the morning. He must be willing to spend a large amount of time cleaning the location. Serving the public necessitates a total commitment to long hours and hard work.
- C. General Character The client should have a well developed sense of responsibility.



- C. ACCEPTANCE OF SUPERVISION: CLIENT SHOULD BE WILLING TO ACCEPT SUPERVISION AND TO TAKE CONSTRUCTIVE CRITICISM WHILE IN TRAINING.
- E. SELF-CONFIDENCE: THE CLIENT SHOULD HAVE CONFIDENCE IN HIS OWN ABILITY TO LEARN AND TO ACQUIRE PROBLEM-SOLVING SKILLS.
- F. PERSONAL APPEARANCE: IT IS MOST IMPORTANT THAT THE CLIENT PROJECT A FAVORABLE APPEARANCE AT ALL TIMES. ATTENTION MUST BE PAID TO PERSONAL HABITS AND HYGIENE.

4. INTERLUENCE AND INTELLECTUAL SKILLS:

- A. COMMON SENSE AND GOOD JUDGEMENT: THE PROBLEMS THAT ARISE AT A VENDING FACILITY ARE OFTEN COMPLEX. GOOD JUDGEMENT AND COMMON SENSE OFTEN RESOLVE THE PROBLEMS.
- B. ABILITY TO MAKE DECISIONS: THE CLIENT SHOULD BE THE TYPE OF PERSON WHO CAN ASSESS SITUATIONS, WEIGH THE FACTS INVOLVED, AND REACH A DECISION. A CAREER IN SELF-EMPLOYMENT INVOLVES CONSTANT DECISION MAKING.
- C. ABILITY TO COMMUNICATE IN BRAILLE OR WRITING: THE CLIENT SHOULD BE ABLE TO READ AND WRITE IN SOME MANNER (BRAILLE, LARGE PRINT, TYPEWRITER, OR TAPE RECORDER). A VENDOR MUST BE ABLE TO MAINTAIN ACCURATE BUSINESS RECORDS.
- D. MEMORY: CLIENT MUST HAVE A REASONABLY GOOD MEMORY IN ORDER TO REMEMBER THE PLACEMENT AND PRICES OF MERCHANDISE, AS WELL AS THE NAMES AND WISHES OF CUSTOMERS.

- E. ABILITY TO UNDERSTAND INSTRUCTIONS: CLIENT MUST BE ABLE TO UNDERSTAND INSTRUCTIONS AND POLICIES.
- F. ABILITY TO DO BASIC ARITHMETIC: CLIENT MUST BE ABLE TO ADD IN HIS HEAD AND HAVE A WORKING KNOWLEDGE OF ADDITION, SUBTRACTION, MULTIPLICATION, DIVISION AND SIMPLE PERCENTAGES.
- G. MECHANICAL ABILITIES: WHILE IT IS NOT ESSENTIAL FOR THE CLIENT TO BE MECHANICALLY INCLINED, HE SHOULD HAVE THE ABILITY TO UNDERSTAND HOW EQUIPMENT WORKS SO THAT HE CAN BE TAUGHT TO OPERATE AND CARE FOR THE FIXTURES AND EQUIPMENT OF THE VENDING FACILITY.

5. PHYSICAL CAPABILITIES:

- A. GENERAL HEALTH: THE CLIENT'S HEALTH MUST BE SUCH THAT HE CAN STAND ON HIS FEET FOR LONG HOURS AND HE MUST BE ABLE TO LIFT AND CARRY MODERATE WEIGHTS. HE SHOULD ALSO HAVE GOOD FINGER, HAND AND ARM COORDINATION.
- B. NON-VISUAL SENSE CUES: THE CLIENT SHOULD HAVE THE ABILITY TO ORIENT HIMSELF IN SPACE EASILY AND HAVE A GOOD SENSE OF BALANCE.

6. REQUIREMENTS OF DAILY LIVING:

- A. ABILITY TO TRAVEL INDEPENDENTLY: PRIOR TO REFERRAL FOR TRAINING, THE CLIENT SHOULD BE ABLE TO TRAVEL INDEPENDENTLY. THE VENDOR IS RESPONSIBLE FOR SEEING THAT THE VENDING FACILITY IS OPEN DURING ALL BUSINESS HOURS.

3. APPEARANCE AND HYGIENE The client should be aware of, and be able to maintain good personal hygiene and grooming.

4. SELF-EMPLOYMENT.

The client should be business-oriented, and should be one who would rather be self-employed than work for someone else.

VENDING FACILITIES TRAINING PROGRAM - REFERRAL FORM

REFERRING COUNSELOR: _____ TELEPHONE: _____ REGION: _____

CLIENT NAME: _____

ADDRESS _____

TELEPHONE NO. _____ D.O.B.: _____

IS CLIENT A
U.S. CITIZEN? YES _____ SOCIAL SECURITY NO.: _____
NO _____

CAN CLIENT:

- | | | |
|----------------------|-----------|----------|
| 1. Read large print? | YES _____ | NO _____ |
| 2. Read braille. | YES _____ | NO _____ |
| 3. Write by hand? | YES _____ | NO _____ |
| 4. Write in braille? | YES _____ | NO _____ |

VISUAL ACUITY: O.U. _____ O.D. _____ O.S. _____

MR STATUS: _____

SEE CRITERIA FOR REFERRAL OF CLIENTS TO VENDING FACILITIES TRAINING PROGRAM

1. Brief statement of why you feel this person is likely to succeed in the Vending Facilities Program:

(OVER)

1. Brief statement on quality of basic math skills (e.g. addition, subtraction) and client's ability to retain information and use his/her memory:

2. Brief statement regarding client's current physical health as judged by the counselor. (Attach basic medical exam done within the last six months.)

4. Brief statement regarding client's ability to travel independently:

5. Brief statement on client's background and work experience:

COUNSELOR'S SIGNATURE: _____

DATE: _____

2. Brief statement on quality of basic math skills (e.g. addition, subtraction) and client's ability to retain information and use his/her memory:

3. Brief statement regarding client's current physical health as judged by the counselor. (Attach basic medical exam done within the last six months.)

4. Brief statement regarding client's ability to travel independently:

5. Brief statement on client's background and work experience:

COUNSELOR'S SIGNATURE: _____

DATE: _____



